

FILED

2008 AUG 26 AM 11:12

**CLERK US DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

BY *Rm* DEPUTY

**UNITED STATES
DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
SAN DIEGO DIVISION**

154436 - TC

**August 26, 2008
11:09:49**

Habeas Corpus

USAO #: 08-1270

Judge.: IRMA E. GONZALEZ

Amount.:

\$5.00 OC

Check#: 155-172696

Total -> \$5.00

FROM: WRIT OF HABEAS CORPUS

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

TROY A. BARTHOLOMEW,
Petitioner,
v.
KATHY MENDOZA-POWERS, Warden, et
al.,
Respondents.


Civil No. 08-1270 IEG (NLS)

**ORDER DISMISSING CASE
WITHOUT PREJUDICE AND WITH
LEAVE TO AMEND**

Petitioner, a state prisoner proceeding pro se, has filed a Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254, but has failed to pay the \$5.00 filing fee and has failed to move to proceed in forma pauperis. Because this Court cannot proceed until Petitioner has either paid the \$5.00 filing fee or qualified to proceed in forma pauperis, the Court **DISMISSES** the case without prejudice. See Rule 3(a), 28 U.S.C. foll. § 2254. If Petitioner wishes to proceed with this case, he must submit, **no later than September 15, 2008**, a copy of this Order with the \$5.00 fee or with adequate proof of his inability to pay the fee. **The Clerk of Court shall send a blank Southern District of California In Forma Pauperis Application to Petitioner along with a copy of this Order.**

IT IS SO ORDERED.

DATED: July 25, 2008


IRMA E. GONZALEZ, Chief Judge
United States District Court